

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

United States District Court
Southern District of Texas

ENTERED

July 27, 2016

David J. Bradley, Clerk


NOE ARMANDO ARTIGA,	§	
Petitioner,	§	
	§	
v.	§	CIVIL ACTION NO: H-16-2219
	§	
LORI DAVIS,	§	
Director of the Texas Department	§	
of Criminal Justice - Correctional	§	
Institutions Division,	§	
Respondent.	§	

ORDER TO STAY AND TO RESPOND

1. On a preliminary examination of the application for a writ of habeas corpus, the court has decided not to dismiss it summarily.
2. Petitioner is directed to pay the \$5.00 filing fee or to file a motion to proceed *in forma pauperis* within 30 days of the date of this Order. **Failure to do so may result in dismissal of the petition without prejudice for failure to prosecute.**
3. The clerk will send copies of the application and this order by certified mail or electronic means to (a) Lorie Davis, Post Office Box 99, Huntsville, Texas 77342-0099, and (b) Habeas Corpus Division, Attorney General of Texas, Post Office Box 12548, Austin, Texas 78711-2548.
4. Petitioner has filed this federal petition proactively to preserve his statute of limitations. Petitioner's motion to stay these proceedings pending conclusion of state court proceedings (Dkt. 3) is granted. **Petitioner is ordered to notify this court immediately upon receiving notice of a ruling from the state court. Upon receiving such notice the court will lift the stay.**
5. The respondent must move for dismissal or summary judgment or otherwise respond within 60 days from the order lifting the stay.
6. The respondent's motion must contain:
 - The authority for holding the petitioner, including the court, case number, style, offense and sentence;
 - Specific factual responses to each factual allegation;

- Whether the petitioner has exhausted his state remedies; and
 - A list of the transcripts—pretrial, trial, plea, sentencing, and post-conviction proceedings—and a list of proceedings that have been recorded but not transcribed.
7. The respondent's motion must be accompanied by these documents for each conviction being attacked:
- Indictment, judgment of conviction and sentence, and order for holding the petitioner;
 - Petitioner's brief on appeal, judgment on appeal, statement of facts, opinion on appeal (or a reference to its publication);
 - Petitioner's application for collateral relief, answers, and judgments on it;
 - Transcript selections useful for the resolution of this action;
8. A party must mail the other party a copy of every paper sent to court, which must include a certificate of the date it was mailed and to whom. If a party does not send a copy exactly as he certifies, the court may strike the paper from the record.
9. Do not write letters to the judge. All communications must be delivered to the clerk with a full caption and with copies sent to the other party. *See* Rules 5(a) and 11 of the Federal Rules of Civil Procedure.

Signed at Houston, Texas on July 27, 2016.


Stephen Wm Smith
United States Magistrate Judge